99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-810

# PROVIDING FOR THE CONSIDERATION OF H.R. 5484

SEPTEMBER 9, 1986.—Referred to the House Calendar and ordered to be printed

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Mr. PEPPER, from the Committee on Rules, submitted the following

SEP 29 1986

## REPORT

U. S. GOVT. PUBS.
DEPOSITORY 375

[To accompany H. Res. 541]

The Committee on Rules, having had under consideration House Resolution 541, by nonrecord vote, report the same to the House with the recommendation that the resolution do pass.

The following are the texts of the amendments made in order by House Resolution 541.

I. AMENDMENTS 1 THROUGH 14 TO BE OFFERED EN BLOC BY REPRESENTATIVE WRIGHT OF TEXAS TO BE DEBATABLE FOR 10 MINUTES

1. An amendment offered by Representative Richardson of New Mexico.

AMENDMENT TO COMMITTEE PRINT OF THE OMNIBUS DRUG BILL OFFERED BY MR. RICHARDSON OF NEW MEXICO

Page 18, after line 25, insert the following:

SEC. 144. REPORTS TO CONGRESS REGARDING FOREICN COOPERATION IN ILLICIT DRUG ERADICATION PROGRAMS.

The Secretary of State shall transmit to Congress, as part of the presentation materials for assistance programs proposed for each fiscal year, a full and complete report, with respect to cooperation and progress made by each country proposed as a recipient of assistance, in carrying out illicit drug eradication programs.

2. An amendment offered by Representative Bryant of Texas.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. BRYANT OF TEXAS

Page 26, line 12, insert after "subsection (a)" the following:

Y1. 1/8:

and, provided it would not interfere with the performance of a military mission, other similar aircraft and radar aerostats,

3. An amendment offered by Representative McCollum of Florida.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. MC COLLUM OF FLORIDA

Page 112 line 25 following "violation" insert:

sufficient to enable the Government authority to obtain access to or copies of such information pursuant to law.

4. An amendment offered by Representative McCollum of Florida.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. MC COLLUM OF FLORIDA

Page 113 line 12 strike out "prohibit any financial institution or supervisory agency from providing" and insert in lieu thereof:

apply when a financial institution or supervisory agency provides.

5. An amendment offered by Representative Morrison of Connecticut.

AMENDMENT TO THE OMNIBUS DRUG ENFORCEMENT, EDUCATION, AND CONTROL ACT OF 1986 OFFERED BY MR. MORRISON OF CONNECTICUT

Page 155, line 20, strike the work "or".
Page 155, line 23, strike all that follows after the word "substance" and insert "; or" in lieu thereof.
Page 155, after line 23, insert the following:

with respect to a particular practitioner registered at the Drug Enforcement Administration to conduct research using a controlled substance and to the extent not prohibited by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), only amounts of analogs used in that person's research.

6. An amendment offered by Representative Lundine of New York.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. LUNDINE OF NEW YORK

Page 216, insert after line 21 the following:

Subtitle H—Miscellaneous

SEC. 671. ASSIGNMENT OF JUDGES.

It is the sense of Congress that the judicial branch of the Government should increase the exercise of its authority under chapter 13 of title 28, United States Code, to reassign Federal judges temporarily and otherwise provide additional Federal judges to district courts in districts with

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large backlogs of pending criminal cases arising out of drug enforcement efforts.

7. An amendment offered by Representative Levine of California.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. LEVINE OF CALIFORNIA

Page 216, inset after line 21 the following:

Subtitle H—Miscellaneous

SEC. 671. DRUG PARAPHERNALIA.

(a) OFFENSE.—It is unlawful for any person—

(1) to make use of the services of the Postal Service as part of a scheme to sell any item which constitutes drug paraphernalia; or

(2) to offer for sale and transportation in interstate commerce any item which constitutes drug paraphernalia.

(b) PENALTY.—Anyone convicted of an offense under subsection (a) of this section shall be imprisoned for not more than three years and fined not more than $100,000.

(c) FORFEITURE.—Any drug paraphernalia involved in any violation of subsection (a) of this section shall be subject to seizure and forefeiture. Any such paraphernalia shall be delivered to the Administrator of General Services, General Services Administration, who may order such paraphernalia destroyed or may authorize its use for law enforcement or educational purposes by Federal, State, or local authorities.

(d) DEFINITIONS.—The term "drug paraphernalia" means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introduced into the human body a controlled substance in violation of the Controlled Substances Act (title II of Public Law 91-513). It includes, but is not limited to, items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, or amphetimines into the human body, such as:

(1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) water pipes;

(3) carburetion tubes and devices;

(4) Smoking and carburetion masks;

(5) roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held by the hand;

(6) miniature spoons with level capacitities of one-tenth cubic centimeter or less;

(7) chamber pipes;

(8) carburetor pipes;
(9) electric pipes;
(10) air-driven pipes;
(11) chillums;
(12) bongs;
(13) ice pipes or chillers;
(14) wired cigarette papers; or
(15) cocaine freebase kits.

(e) EVIDENCE.—In determining whether an item constitutes drug paraphernalia, in addition to all other logically relevant factors, the following may be considered:

(1) instructions, oral or written, provided with the item concerning its use;

(2) descriptive materials accompanying the item which explain or depict its use;

(3) national and local advertising concerning its use;

(4) the manner in which the item is displayed for sale;

(5) whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(6) direct or circumstantial evidence of the ratio of sales of the item(s) to the total sales of the business enterprise;

(7) the existence and scope of legitimate uses of the item in the community; and

(8) expert testimony concerning its use.

(f) EFFECTIVE DATE.—This section shall become effective 90 days after the date of enactment of this title.

8. An amendment offered by Representative Bartlett of Texas.

AN AMENDMENT TO THE COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. BARTLETT OF TEXAS

Page 232, strike lines 19 through 21 and insert the following:

(1) the development, acquisition, and implementation of elementary and secondary school drug abuse education and prevention curricula which clearly and consistently teach that drugs are wrong and harmful;

Page 233, line 1, insert "(which teach that drugs are wrong and harmful)" after "programs".

9. An amendment offered by Representative Bartlett of Texas.

AN AMENDMENT TO THE COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. BARTLETT OF TEXAS

Page 232, strike lines 24 and 25 and insert the following:

(3) family drug abuse prevention programs, including education for parents about the symptoms and effects of drug use;

10. An amendment offered by Representative Coughlin of Pennsylvania.

AN AMENDMENT TO THE COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. COUGHLIN OF PENNSYLVANIA

Page 236, after line 23, insert the following new paragraph (and redesignate the subsequent paragraphs accordingly):

(2) develop, publicize the availability of, and widely disseminate audio-visual and other curricula materials for drug abuse education and prevention programs in elementary and secondary schools throughout the Nation;

11. An amendment offered by Representative Robinson of Arkansas.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. ROBINSON OF ARKANSAS

Page 224, insert before the period in line 25 the following: "and who shall include medical and mental health professionals who have training or experience in drug addiction problems".

12. An amendment offered by Representative Robinson of Arkansas.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. ROBINSON OF ARKANSAS

Page 258, insert before the period in line 24 the following: "and shall include physicians and other health care professionals who have training or experience in drug addiction problems".

13. An amendment offered by Representative Towns of New York.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. TOWNS OF NEW YORK

Page 259, insert after line 20 the following:

SEC. 907. NATIONAL STUDY OF DRUG ABUSE TREATMENT PROGRAMS.

The Secretary of Health and Human Services shall conduct, directly or by contract, a study of the nature and effectiveness of Federal, State, and local programs of drug abuse treatment (including programs to treat cocaine free base (known as "crack") addiction) and shall submit a report of the findings of such study to the President and to the appropriate committees of Congress not later than one year after the date of the enactment of this title.

14. An amendment offered by Representative Walker of Pennsylvania.

MR. WALKER OFFERED THE FOLLOWING AMENDMENT

In Title IX, on Page 259, after line 20, add the following new section:

SEC. 907. CONGRESSIONAL REQUEST THAT THE ENTERTAINMENT INDUSTRY TAKE CERTAIN STEPS TO ASSIST IN THE NATIONAL WAR AGAINST ILLEGAL DRUGS.

It is the Sense of the Congress that, whereas illegal drug consumption and the trafficking of those illegal drugs is a major problem in the United States, whereas this problem is particularly prevalent among and harmful to the nation's young people; whereas the values and mores portrayed in various forms of commercially produced entertainment have a profound effect or the attitudes of young people in this country; the entertainment industry should voluntarily refrain from producing material meant for general entertainment which in any way glamorizes or encourages the use of illegal drugs and the entertainment industry further is encouraged to develop films, television programs, records and videos which encourage the rejection of illegal drug usage.

II. THE FOLLOWING AMENDMENTS ARE DEBATABLE FOR NOT TO EXCEED 10 MINUTES UNLESS OTHERWISE SPECIFIED

15. An amendment offered by Representative Smith of Florida.

AMENDMENT TO OMNIBUS DRUG LEGISLATION OFFERED BY MR. SMITH OF FLORIDA

Add the following new subsection at the end of section 126 (relating to combating narcoterrorism):

(d) REWARD CONCERNING JORGE LUIS OCHOA VASQUEZ.—It is the sense of the Congress that the authority of section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)), as amended by section 502(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399; enacted August 27, 1986), should be used expeditiously to establish a reward of up to $500,000 for information leading to the arrest or conviction of Jorge Luis Ochoa Vasquez for narcotics—related offenses.

16. An amendment offered by Representative Bennett of Florida debatable for not to exceed 20 minutes.

AMENDMENT TO THE COMMITTEE PRINT OF THE OMNIBUS DRUG BILL OFFERED BY MR. BENNETT OF FLORIDA

Strike out subsection (a) of section 206 of the bill (page 29, lines 13 through 19) and redesignate the following subsections accordingly.

At the end of title II of the bill (page 30, after line 15), add the following new section:

SEC. 207. ENHANCED AUTHORITY OF MEMBERS OF THE ARMED FORCES IN DRUG INTERDICTION ACTIVITIES.

(a) IN GENERAL.—Section 374 of title 10, United States Code, is amended by adding at the end the following a new subsection:

"(d)(1) Subject to paragraph (2), the Secretary of Defense, upon request from the head of a Federal agency with jurisdiction to enforce the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), may assign members of the armed forces under the Secretary's jurisdiction to assist drug enforcement officials of that agency in searches, seizures, and arrests outside the land area of the United States (or of any territory or possession of the United States) in connection with the enforcement of such Acts.

"(2) Members may be assigned to provide assistance under paragraph (1) only if—

"(A) the Attorney General certifies that there are insufficient law enforcement resources available to ensure the success of the operation;

"(B) the assistance is approved by the Secretary of Defense with the concurrence of the Secretary of State; and

"(C) Federal drug enforcement officials maintain control over the activities and direction of any drug enforcement operation.

"(3) Nothing in this subsection shall be construed to transfer the responsibility for the enforcement of the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) to the Department of Defense."

(b) CONFORMING AMENDMENT.—Section 375 of such title is amended by inserting "(other than under section 374))" after "under this chapter".

17. A perfecting amendment offered by Representative Hunter of California or Representative Robinson of Arkansas to amendment #16, debatable for not to exceed 20 minutes.

AMENDMENT TO THE COMMITTEE PRINT OF THE OMNIBUS DRUG BILL OFFERED BY MR. HUNTER OF CALIFORNIA

Strike out subsection (a) of section 206 of the bill (page 29, lines 13 through 19), and redesignate the following subsections accordingly.

At the end of title II of the bill (page 30, after line 15), add the following new section:

SEC. 207. USE OF ARMED FORCES FOR INTERDICTION OF NARCOTICS AT UNITED STATES BORDERS.

(a) GENERAL REQUIREMENT.—

(1) AUTHORITY TO LOCATE, PURSUE, AND SEIZE AIRCRAFT AND VESSELS.—Within 30 days after the date of the enactment of this Act, the President shall deploy equipment and personnel of the Armed Forces sufficient to halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics. Such equipment and personnel shall be used to locate, pursue, and seize such vessels and aircraft and to arrest their crews. Military personnel may not make

arrests of crew members of any such aircraft or vessels after the crew members have departed the aircraft or vessels, unless the military personnel are in hot pursuit.

(2) RADAR COVERAGE.—Within 30 days after the date of the enactment of this Act, the President shall deploy radar aircraft in sufficient numbers so that during the hours of darkness there is continuous aerial radar coverage of the southern border of the United States.

(3) PURSUIT AIRCRAFT.—The President also shall deploy sufficient numbers of rotor wing and fixed wing aircraft to pursue and seize intruding aircraft detected by the radar aircraft referred to in paragraph (2). The President shall use personnel and equipment of the United States Customs Service and the Coast Guard to assist in carrying out this paragraph.

(4) USE OF NATIONAL GUARD AND RESERVES.—In carrying out this section, the President shall use members of the National Guard and the Reserves. The tours of such members shall correspond to their training commitments and shall be considered to be within their mission. The President shall withhold Federal funding from any National Guard unit whose State commander does not cooperate with the drug interdiction program required by this Act.

(5) EXPENSES.—The expenses of carrying out this section shall be borne by the Department of Defense.

(b) 45-DAY DEADLINE.—The President shall substantially halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics within 45 days after the date of the enactment of this Act.

(c) REPORT.—Within 60 days after the date of the enactment of this Act, the President shall report to Congress the following:

(1) The effect on military readiness of the drug interdiction program required by this section and the costs in the areas of procurement, operation and maintenance, and personnel which are necessary to restore readiness to the level existing before commencement of such program.

(2) The number of aircraft, vessels, and persons interdicted during the operation of the drug interdiction program and the number of arrests and convictions resulting from such program.

(3) Recommendations for any changes in existing law that may be necessary to more efficiently carry out this program.

(d) REQUEST FOR FUNDING.—Within 90 days after the date of the enactment of this Act, the President shall submit to Congress a request for—

(1) the amount of funds spent as a result of the drug interdiction program required by this section; and

(2) the amount of funds needed to continue operation of the program through fiscal year 1987.

Such request shall include amounts necessary to restore the readiness of the Armed Forces to the level existing before commencement of the program.

(e) BUDGET REQUESTS.—Beginning with the budget request for fiscal year 1988 and for each fiscal year thereafter, the President shall submit in his budget for the Department of Defense a request for funds for the drug interdiction program required by this section in the form of a separate budget function.

18. An amendment offered by Representative Bryant of Texas.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. BRYANT OF TEXAS

Page 30, after line 15 insert the following new section:

SEC. 207. MILITARY ASSISTANCE TO CERTAIN CIVILIAN LAW ENFORCEMENT AGENCIES.

(a) SECRETARY OF DEFENSE TO PROVIDE PERSONNEL AND EQUIPMENT ON REQUEST.—On request of the head of any special law enforcement agency listed in subsection (d)(1), the Secretary of Defense shall, as soon as practicable after consultation with the head of the agency, make available to the agency such military equipment and detail to the agency such military personnel, incluidng personnel necessary to properly operate and service such equipment, as the head of the agency deems necessary for the detection of the unlawful transport of any controlled substance across the international boundaries of the United States and the interdiction in the United States of such unlawful transport.

(b) AUTHORITY OF DETAILED PERSONNEL.—

(1) DIRECT PARTICIPATION IN INTERDICTION OF VESSELS, AIRCRAFT, AND LAND VEHICLES.—Subject to paragraph (2), military personnel detailed under subsection (a) to any special law enforcement agency may directly participate in the interdiction of any vessel, aircraft, or land vehicle by the agency.

(2) NO LAW ENFORCEMENT AUTHORITY.—Military personnel may not perform any law enforcement function of the agency to which detailed.

(c) COORDINATION AMONG FEDERAL AND STATE LAW ENFORCEMENT AGENCIES AND THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Within 90 days after the date of the enactment of this section, the heads of the special law enforcement agencies listed in subparagraphs (A), (B), (C), and (D) of subsection (d)(1) shall meet with the Secretary of Defense (or the designee of such Secretary) and the National Guard Bureau to develop plans for—

(A) the detection of the unlawful transport of any controlled substance across the international boundaries of the United States,

(B) the interdiction in the United States of such unlawful transport, and

(C) the coordination of the efforts of the special law enforcement agency, the Department of Defense, and the appropriate components of the National Guard in such detection and interdiction.

(2) INVOLVEMENT OF STATE LAW ENFOCEMENT AUTHORITIES.—The Secretary of Defense shall invite the chief law enforcement official of each State to attend and participate in any meeting to be held under paragraph (1).

(d) DEFINITIONS.—As used in this section:

(1) SPECIAL LAW ENFORCEMENT AGENCY.—The term 'special law enforcement agency' includes—

(A) the Drug Enforcement Administration,

(B) the United States Customs Service,

(C) the Federal Bureau of Investigation,

(D) the Federal Aviation Administration, and

(E) the law enforcement authority of each State.

(2) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(3) STATE.—The term 'State' means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

19. An amendment offered by Representative Crane of Illinois.

AMENDMENT BY MR. PHILIP M. CRANE TO THE OMNIBUS DRUG BILL

On page 64 of the Committee Print, strike line 17 and all that follows thereafter through line 19 on page 66.

20. An amendment offered by Representative Crane of Illinois.

AMENDMENT BY MR. CRANE

On page 67, line 22, strike "$99,300,000" and insert "$28,730,000"; on page 68, line 4, strike "$137,000,000" and insert "$97,000,000".

On page 68, between lines 18 and 19, insert the following:

(3) There are authorized to be appropriated to the Customs Service for fiscal year 1988 $27,460,000 for salaries and expenses of personnel to be used in carrying out drug enforcement activities, and $25,000,000 for additional aircraft, communications enhancements, and command, control, communications, and intelligence centers, of the air interdiction program.

(4) There are authorized to be appropriated to the Customs Service for fiscal year 1989 $36,210,000 for salaries and expenses of personnel to be used in carrying out drug enforcement activities, and $15,500,000 for additional aircraft, communications enhancements, and command, con-

trol, communications, and intelligence centers, of the air interdiction program.

21. An amendment offered by Representative Dwyer of New Jersey.

AMENDMENT TO RULES COMMITTEE PRINT ON THE OMNIBUS DRUG ENFORCEMENT, EDUCATION AND CONTROL ACT OF 1986 OFFERED BY MR. DWYER

On page 158, line 6 strike out "a fentanyl analogue;" and insert in lieu thereof the following:

alpha-methylfentanyl, 3-methylfentanyl, acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl, thenylfentanyl, thiofentanyl, or parafluorofentanyl;

On page 160, line 9 strike out "a fentanyl analogue;" and insert in lieu thereof the following:

alpha-methylfentanyl, 3-methylfentanyl, acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl, thenylfentanyl, thiofentanyl, or parafluorofentanyl;

22. An amendment offered by Representative Smith of Florida.

AMENDMENT TO OMNIBUS DRUG LEGISLATION OFFERED BY MR. SMITH OF FLORIDA

In section 161 (relating to narcotics control efforts in Mexico)—

(1) in the caption for subsection (a) strike out "MURDER OF DEA AGENT CAMARENA" and insert in lieu thereof "TORTURE AND MURDER OF DEA AGENTS";

(2) strike out "and" at the end of paragraph (1);

(3) redesignate paragraph (2) as paragraph (3);

(4) after paragraph (1) insert the following new paragraph (2):

"(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior, and"; and

(5) in paragraph (3), as so designated, after "murders" insert "and those responsible for that detention and torture".

23. An amendment offered by Representative Kramer of Colorado.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. KRAMER OF COLORADO

Page 182, after line 14, insert the foillowing:

SEC. 624. MANDATORY LIFE SENTENCE FOR CERTAIN OFFENSES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 21.—Section 405(b) of the Controlled Substances Act (21 U.S.C. 845(b)) is amended—

(1) by inserting "in the second sentence of this subsection and" after "Except as provided"; and

(2) by adding at the end the following: "If the offense under this section consists of a distribution involving an amount of a controlled substance described in subparagraph (A), (B), (c)(i)(I), or (C)(ii) of section 401(b)(1), the convicted person, if at least 21 years of age, shall be sentenced to imprisonment for life without eligibility for parole.".

(b) DISTRIBUTION IN OR NEAR SCHOOLS.—Section 405a(b) of the Controlled Substances Act (21 U.S.C. 845a(b)) is amended by adding at the end the following: "If the offense under this subsection consists of a distribution involving an amount of a controlled substance described in subparagraph (A), (B), ((C)(i)(I), or (C)(ii) or of section 401(b)(1) and the convicted person has attained the age of 21 years, the term of imprisonment imposed under this subsection shall not be less than life.".

24. An amendment offered by Representative English of Oklahoma.

U.S./BAHAMAS DRUG INTERDICTION ENHANCEMENT

An amendment offered by the Gentleman from Oklahoma, Mr. English, to the Omnibus Drug Enforcement, Education, and Control Act of 1986:

On page 201, line 6, delete "$60,000,000," and substitute therefore "114,000,000."

On page 201, line 7, add the following:

Of this amount, $54,000,000 shall be used to support increased cooperative narcotics interdiction operations in the Bahamas.

25. An amendment offered by Representative English of Oklahoma.

STATE AND LOCAL DRUG ENFORCEMENT ASSISTANCE

An amendment offered by the Gentleman from Oklahoma, Mr. English, to the Omnibus Drug Enforcement, Education, and Control Act of 1986:

On page 203, line 17, delete "50 per centum" and substitute therefore "80 per centum."

26. An amendment offered by Representative Rangel of New York debatable for not to exceed 20 minutes.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. RANGEL OF NEW YORK

Page 203, line 17, strike "50" and insert "90".

Page 208, beginning on line 2, strike "or construction projects" and insert ", or for construction projects other than penal and correctional institutions".

Page 208, line 10, strike "65 per centum" and insert "the amount remaining after amounts are reserved under section 1310".

Page 211, line 9, strike "(a) Of" and insert "(a)(1) Subject to paragraph (2), of".

Page 211, after line 16, insert the following:

(2) The amount reserved under paragraph (1)—
(A) for fiscal year 1987 may not exceed $20,000,000; and
(B) for fiscal year 1988 may not exceed $40,000,000.

Page 211, line 17, strike "(b)(1) Of" and insert "(b)(1)(A) Subject to subparagraph (B), of".

Page 211, after line 23, insert the following:

(B) The amount reserved under subparagraph (A)—
(i) for fiscal year 1987 may not exceed $15,000,000; and
(ii) for fiscal year 1988 may not exceed $30,000,000.

Page 215, strike line 12 and insert the following:

$660,000,000 for fiscal year 1987 and $695,000,000 for

27. An amendment offered by Representative Lungren of California debatable for not to exceed 20 minutes.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. LUNGREN OF CALIFORNIA

Beginning on page 202, strike line 18 and all that follows through line 16 on page 215.

Page 215, line 17, strike "SEC. 664." and insert "SEC. 663.".

28. An amendment offered by Representative Pepper of Florida.

AMENDMENT TO COMMITTEE PRINT OF THE OMNIBUS DRUG BILL OFFERED BY MR. PEPPER OF FLORIDA

Page 212, after line 19, insert the following:

(5) Notwithstanding paragraph (1), the Administrator may waive the non-Federal share requirement applicable to a grant made with funds reserved under this subsection if the Administrator determines that the applicant for such grant is financially unable to satisfy such requirement.

29. An amendment offered by Representative McCollum of Florida.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. MC COLLUM OF FLORIDA

Page 216, after line 21, insert the following:

Subtitle H—Miscellaneous Provisions

SEC. 671. REMOVAL OF PROHIBITION REGARDING CONVICT LABOR.

(a) IN GENERAL.—The first section of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (41 U.S.C. 35), is amended—

(1) in subsection (d)—

(A) by striking out "and no convict labor"; and

(B) by striking out ", except that" and all that follows through "title 18, United States Code"; and

(2) by adding at the end the following: "Any law or Executive order containing prohibitions on the use of convict labor in the manufacture, production, or furnishing of any goods purchased by the Federal Government does not apply to convict labor which satisfies the conditions of section 1761 of title 18, United States Code. This section does not apply to any contract carried out by convict labor.".

(b) EFFECTIVE DATE.—The amendments made by this section shall not apply to contracts entered into before the date of the enactment of this Act.

30. An amendment offered by Representative LUNGREN of California debatable for not to exceed 30 minutes.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. LUNGREN OF CALIFORNIA

Page 216, after line 21, insert the following:

Subtitle H—Miscellaneous Provisions

SEC. 671. REFORM OF FOURTH AMENDMENT ENCLUSIONARY RULE.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following new section:

**"§ 3508. Limitations of the fourth amendment exclusionary rule**

"Except as specifically provided by Act of Congress, evidence which is obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search or seizure was undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment to the Constitution of the United States. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief, unless the warrant was obtained through intentional and material misrepresentation.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following item:

"3508. Limitation of the fourth amendment exclusionary rule.".

31. An amendment offered by Representative Lungren of California.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. LUNGREN OF CALIFORNIA

Page 216, after line 21, insert the following:

Subtitle H—Miscellaneous Provisions

SEC. 671. FORFEITURE OF SUBSTITUTE PROPERTY.

(a) AMENDMENT TO SECTION 1963 OF TITLE 18, UNITED STATES CODE.—Section 1963 of title 18, United States Code, is amended by inserting after subsection (c) the following new subsection:

"(d) If, because of an act or omission of the defendant, property subject to forfeiture under subsection (a) of this section—

"(1) is removed from the jurisdiction of the court or is otherwise unavailable for forfeiture;

"(2) is diminished in value; or

"(3) cannot reasonably be separated from property that is not subject to forfeiture;

the court shall order the forfeiture of such other property of the defendant as may be necessary to recover the value lost to the United States because of the act or omission of the defendant.".

(b) AMENDMENT TO SECTION 413 OF THE CONTROLLED SUBSTANCES ACT.—Section 413 of the Controlled Substances Act is amended—

(1) by redesignating subsections (d) through (o) as subsections (e) through (p), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"Substitute Property

"(d) If, because of an act or omission of the defendant, property subject to forfeiture under subsection (a)—

"(1) is removed from the jurisdiction of the court or is otherwise unavailable for forfeiture;

"(2) is diminished in value; or

"(3) cannot reasonably be separated from property that is not subject to forfeiture;

the court shall order the forfeiture of such other property of the defendant as may be necessary to recover the value lost to the United States because of the act or omission of the defendant.".

32. An amendment offered by Representative Lungren of California.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. LUNGREN OF CALIFORNIA

Page 216, after line 21, insert the following:

Subtitle H—Miscellaneous Provisions

SEC. 671. EXCLUSION AND DEPORTATION OF CONTROLLED SUBSTANCES OFFENDERS.

(a) EXCLUSION.—Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended—

(1) by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802)", and

(2) by striking out "any of the aforementioned drugs" and inserting in lieu thereof "any such controlled substance".

(b) DEPORTATION.—Section 241(a)(11) of such Act (8 U.S.C. 1251(a)(11)) is amended by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions occurring before, on, or after the date of the enactment of this Act, and the amendments made by subsection (a) shall apply to aliens entering the United States after the date of the enactment of this Act.

33. An amendment offered by Representative Gekas of Pennsylvania debatable for not to exceed 60 minutes.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. GEKAS OF PENNSYLVANIA

Page 216, after line 21, insert the following:

Subtitle H—Miscellaneous Provisions

SEC. 671. DEATH PENALTY FOR CERTAIN CONTINUING CRIMINAL ENTERPRISE DRUG OFFENSES.

(a) ELEMENTS OF OFFENSE.—Section 408(a) of the Controlled Substances Act (21 U.S.C. 848(a)) is amended—

(1) by striking out "(a) Any" and inserting "(a)(1) Except as otherwise provided in this section, any" in lieu thereof;

(2) by striking out "; except that if" and inserting ". If" in lieu thereof; and

(3) by adding at the end the following:

"(2) If an individual intentionally engages in conduct during the course of a continuing criminal enterprise and thereby knowingly causes the death of any other individual, the individual so engaging shall be subject to the death penalty in accordance with this section.".

(b) PROCEDURE APPLICABLE WITH RESPECT TO THE DEATH PENALTY.—Section 408 of the Controlled Substances Act is amended by adding at the end the following:

"Hearing Required With Respect to the Death Penalty

"(d) A person shall be subjected to the penalty of death for any offense under this section only if a hearing is held in accordance with this section.

"Notice by the Government in Death Penalty Cases

"(e)(1) Whenever the Government intends to seek the death penalty for an offense under this section for which one of the sentences provided is death, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice—

"(A) that the Government in the event of conviction will seek the sentence of death; and

"(B) setting forth the aggravating factors which the Government will seek to prove as the basis for the death penalty.

"(2) The court may permit the attorney for the Government to amend this notice for good cause shown.

"Hearing Before Court or Jury

"(f)(1) When the attorney for the Government has filed a notice as required under subsection (d) and the defendant is found guilty of or pleads guilty to an offense under subsection (a)(2), the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury;

"(iii) the jury which determined the defendant's guilt has been discharged for good cause; or

"(iv) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the Government.

"(2) A jury impaneled pursuant to paragraph (1)(B) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any member less than 12.

"Proof of Aggravating and Mitigating Factors

"(g) Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under subsection (a)(2), no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sentence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (j) and (k), or any other mitigating factor. Where information is presented relating to any of the aggravating factors set forth in subsection (k), information may be presented relating to any other aggravating factor. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors, and as to appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the information.

"Return of Findings

"(h) The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any mitigating factors, and any aggravating factors set forth in subsection (k), found to exist. If one of the aggravating factors set forth in subsection (k)(1) and another of the aggravating factors set forth in subsection (k) is found to exist, a spe-

cial finding identifying any other aggravating factors may be returned. A finding of any aggravating or mitigating factor by a jury shall be made by unanimous vote. If an aggravating factor set forth in subsection (k)(1) is not found to exist or an aggravating factor set forth in subsection (k)(1) is found to exist but no other aggravating factor set forth in subsection (k) is found to exist, the court shall impose a sentence, other than death, authorized by law. If an aggravating factor set forth in subparagraph (k)(1) and one or more of the other aggravating factors set forth in subsection (k) are found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"Imposition of Sentence

"(i) Upon a finding that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"Mitigating Factors

"(j) In determining whether a sentence of death is to be imposed on a defendant, the following mitigating factors shall be considered but are not exclusive:

"(1) The defendant was less than 18 years of age at the time of the crime.

"(2) The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge.

"(3) The defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge.

"(4) The defendant is punishable as a principal (as defined in section 2(a) of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, although not so minor as to constitute a defense to the charge.

"(5) The defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of the offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"Aggravating Factors

"(k) If the defendant is found guilty of or pleads guilty to an offense under subsection (a)(2), the following aggravating factors shall be considered by are not exclusive:

"(1) The defendant—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury which resulted in the death of the victim; or

"(C) intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim.

"(2) The defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(3) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person.

"(4) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(5) In the commission of the offense or in escaping apprehension for a violation of subsection (a)(1), the defendant knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) The violation of this chapter in relation to which the conduct described in subsection (a)(2) occurred was a violation of section 450.

"(7) The defendant committed the offense in an especially heinous, cruel, or depraved manner.

"(8) The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(9) The defendant committed the offense as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value.

"(10) The defendant committed the offense against a judge a law-enforcement officer, or an employee of a penal or correctional institution, while that victim was performing official duties or because of that victim's status as a public servant of the United States, or a State or political subdivision of the United States. For purposes of this paragraph the term 'law-enforcement officer' means a public servant authorized by law to

conduct or engage in the prevention, investigation, or prosecution of an offense.

"Instruction to Jury on Right of the Defendant to Justice Without Discrimination

"(l) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant was not involved in reaching his or her individual decision.

"Sentencing in Capital Cases in Which Death Penalty Is Not Sought or Imposed

"(m) If a person is convicted for an offense under subsection (a)(2) and the court does not impose the penalty of death, the court may impose a sentence of life imprisonment without the possibility of parole.".

"Appeal In Capital Cases

"(n)(1) In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28 of the United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"(2) On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"(3) The court shall affirm the sentence if it determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of every aggravating factor upon which the sentence was based, together with the failure to find sufficient mitigating factors as set forth or allowed in this section.

In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence."

34. An amendment offered by Representative Bennett of Florida.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. BENNETT OF FLORIDA

Page 216, after line 21, insert the following:

Subtitle H—Miscellaneous Provisions

SEC. 671. TRANSFER OF CERTAIN DEPORTABLE ALIENS FROM STATE AND LOCAL PENAL FACILITIES TO FEDERAL PENAL FACILITIES.

Notwithstanding any other provision of law, any alien, upon conviction, who is incarcerated in a State or local penal facility for an offense, including an offense involving controlled substances, the commission of which would make such alien deportable under section 241 of the Immigration and Nationality Act and who at the time of entry into the United States did not possess an immigrant visa, shall, upon written notification by the appropriate State or local official and within thirty days of such notification, be transferred to a penal facility under the authority of the Director of the Bureau of Prisons. The Attorney General shall prescribe such regulations as may be necessary to carry out this section.

35. An amendment offered by Representative McCollum of Florida.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. MC COLLUM OF FLORIDA

Page 216, after line 21, insert the following:

Subtitle H—Miscellaneous Provisions

SEC. 671. DESTRUCTION OF SEIZED CONTROLLED SUBSTANCES.

Section 881 of title 21 is amended in subsection (f) by:

(a) designating the text of subsection (f) as (f)(1);

(b) inserting "or II" after "schedule I" in each place it appears; and

(c) by inserting at the end thereof the following language:

(2) All controlled substances in Schedule I or II that are seized for violation of this subchapter may be destroyed as soon as possible subsequent to seizure after being photographed, weighed, and representatively sampled for evidentiary purposes.".

An amendment offered by Representative Ackerman of New York.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. ACKERMAN OF NEW YORK

Page 216, after line 21, insert the following:

## Subtitle H—Miscellaneous Provisions

### SEC. 271. REQUIRING PROMPT INS RESPONSE TO INQUIRIES OF LOCAL OFFICIALS CONCERNING ILLEGAL ALIENS ARRESTED FOR DRUG-RELATED VIOLATIONS.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) In the case of an allien who is arrested by a Federal, State, or local law enforcement official for a violation relating to controlled substances, if the official (or another official)—

"(1) has reason to believe that the alien may not have been lawfully admitted to the United States or otherwise is not lawfully present in the United States,

"(2) expeditiously informs an appropriate officer or employee of the Service authorized and designated by the Attorney General of the arrest and of facts concerning the status of the alien, and

"(3) requests the Service to determine promptly whether or not to issue a detainer to detain the alien,

the officer or employee of the Service shall promptly determine whether or not to issue such a detainer. If such a detainer is issued and the alien is not otherwise detained by Federal, State, or local officials, the Attorney General shall effectively and expeditiously take custody of the alien.".

### SEC. 672. PILOT PROGRAM TO IMPROVE INS RESPONSE TIME TO LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—From the sums appropriated to carry out this Act, the Attorney General, through the Investigative Division of the Immigration and Naturalization Service, shall provide a pilot program in 4 cities to establish or improve the computer capabilities of the local offices of the Service and of local law enforcement agencies to respond to inquiries concerning aliens who have been arrested or convicted for, or are the subject to criminal investigation relating to, a violation of any law relating to controlled substances. The Attorney General shall select cities in a manner that provides special consideration for cities located near the land borders of the United States and for large cities which have major concentrations of aliens. Some of the sums made available under the pilot program shall be used to increase the personnel level of the Investigative Division.

(b) EVALUATION.—At the end of the first year of the pilot program, the Attorney General shall provide for an evaluation of the effectiveness of the program and shall report to Congress on such evaluation and on whether the pilot program should be extended or expanded.

### SEC. 673. INCREASED COOPERATION BETWEEN FBI AND INS.

It is the sense of Congress that the Attorney General ensure that the Federal Bureau of Investigation and the

Immigration and Naturalization Service should cooperate in utilizing their existing nationwide computer capabilities in order to facilitate the quicker and more efficient dissemination of information useful to both agencies in the location and apprehension of aliens who have violated any laws of the United States.

37. An amendment offered by Representative Daub of Nebraska.

AMENDMENTS TO THE COMMITTEE PRINT OF THE OMNIBUS DRUG BILL OFFERED BY MR. DAUB OF NEBRASKA

Page 217, after line 3, insert the following new section:

SEC. 701. LIMITATION ON REISSUANCE OF AIRMAN CERTIFICATE.

"(a) IN GENERAL.—Paragraph (2) of section 602(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1422(b)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) Except as provided in subparagraph (B), the Administrator shall not issue an airman certificate to any person whose airman certificate has been revoked under subsection (c) of section 609 of this title.".

"(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 602(b) of the Federal Aviation Act of 1958 is redesignated as subparagrpah (B).

Page 217, line 4, strike out "701" and insert in lieu thereof "702".

Page 218, line 16, strike out "702" and insert in lieu thereof "703".

Page 222, line 3, strike out "703" and insert in lieu thereof "704".

38. An amendment offered by Representative Chandler of Washington.

AMENDMENT PROPOSED BY MR. CHANDLER

On page 223, line 18, insert "and" after the semicolon.

On page 223, line 20, strike out the semicolon and insert in lieu thereof a period.

On page 223, strike out line 19 and everything that follows through page 224, line 4.

On page 226, line 4, insert "and" after the semicolon.

On page 226, line 6, strike out the semicolon and "and" and insert in lieu thereof a period.

On page 226, strike out lines 7 through 9.

On page 237, strike out line 19 and everything that follows through page 239, line 25 (and renumber accordingly).

EXPLANATION

This amendment would delete from the bill the requirement that the Secretary award to institutions of higher education 10 percent of the funds available each year. The postsecondary component of the bill distorts its otherwise appropriate focus upon the critical

need for education and prevention efforts among younger students. Postsecondary institutions need to establish their own policies and controls to establish and maintain an anti-drug learning environment, and many either have, or are in the process of doing so. Also, preservice and inservice training of teachers and others in drug abuse education is an authorized activity at the State and local levels under the State grant program.

39. An amendment offered by Representative Coleman of Missouri.

AN AMENDMENT TO THE COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. COLEMAN OF MISSOURI

Page 225, after line 12, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 804. ESTABLISHMENT OF NATIONAL TRUST FOR DRUG-FREE YOUTH.

(a) ESTABLISHMENT.—In order to encourage private gifts of real and personal property, to assist the Secretary in carrying out the national programs of drug abuse, research, education, and prevention under section 831 and the activities of the Advisory Council under section 803, there is hereby established a charitable, nonprofit, and nonpartisan corporation to be known as the National Trust for Drug Free Youth.

(b) BOARD OF DIRECTORS.—The National Trust for Drug-Free Youth shall be under the general direction of a Board of Directors. The overall priorities, policies, and goals of the National Trust shall be determined by the Board in consultation with the Secretary. The Board shall coordinate the activities of the National Trust for Drug-Free Youth with the Secretary. The Board shall be composed of three members appointed as follows:

(1) one member shall be appointed by the President;

(2) one member shall be appointed by the Speaker of the House of Representatives; and

(3) one member shall be appointed by the Majority Leader of the Senate.

(c) PRINCIPAL OFFICE.—The National Trust shall have its principal office in the District of Columbia and for the purposes of venue in civil actions shall be considered an inhabitant and resident of the District.

(d) GENERAL POWERS.—The National Trust shall have the following general powers:

(1) to have succession until dissolved by Act of Congress, in which event title to the properties of the National Trust, both real and personal shall, insofar as consistent with existing contractual obligations and subject to all other legally enforcable claims or demands by or against the Natonal Trust, pass to and become vested in the United States or America;

(2) to adopt, alter, and use a corporate seal which shall be judicially noticed;

(3) to sue and be sued, complain and defend in any court of competent jurisdiction;

(4) to adopt and establish such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as the Board considers necessary for the administration of its functions, including among * * *

40. An amendment offered by Representative Coleman of Missouri.

AN AMENDMENT TO THE COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. COLEMAN OF MISSOURI

Page 247, strike line 8 and insert "percent for the first year, 60 percent for the second year, and 20 percent for the third".

41. An amendment offered by Representative Petri of Wisconsin.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. PETRI OF WISCONSIN

Page 223, strike lines 13 through 18.

Page 227, line 4, strike "reserve-" and all that follows through line 9, and insert "reserve 10 percent for State activities under section 815.".

Page 232, strike lines 1 through 11.

42. An amendment offered by Representative Pepper of Florida.

AMENDMENT TO COMMITTEE PRINT OF THE OMNIBUS DRUG BILL OFFERED BY MR. PEPPER OF FLORIDA

Page 251, line 22, strike "$180,000,000" and insert "$280,000,000".

Page 252, line 5, strike "two thirds" and insert "four-fifths".

Page 253, line 3, strike "one third" and insert "one-fifth".

43. An amendment offered by Representative Madigan of Illinois.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. MADIGAN OF ILLINOIS

Page 251, strike out line 19 and all that follows through line 26 on page 254 and insert in lieu thereof the following:

"SEC. 1935. For allotments under section 1936 there is authorized to be appropriated $100,000,000 for fiscal year 1987.

"ALLOTMENTS FOR TREATMENT AND PREVENTION SERVICES FOR DRUG ABUSE"

"SEC. 1936. (a) From the amount appropriated under section 1935, the Secretary shall allot to each State an amount determined by a formula prescribed by the Secretary which is based equally on the population of each State and on the population of each State weighted by its relative per capita income. Any amount paid to a State from its allotment and remaining unobligated at the end of fiscal year 1987 shall be returned to the Treasury.

"(b) Amounts paid to a State under its allotment under subsection (a) shall be used to provide treatment and rehabilitation services for persons suffering from drug abuse and to develop a drug abuse prevention education program.

"(c) In order to receive an allotment under subsection (a) each State shall transmit an application to the Secretary. Each such application shall be in such form and transmitted by such date as the Secretary shall require. Each such application shall contain a plan for the use of amounts paid to the States under its allotment in accordance with section 1938.

"GENERAL PROVISIONS"

"SEC. 1937. (a) A State may not use amounts paid to it under its allotment under section 1936 to—

"(1) provide inpatient hospital services,

"(2) make cash payments to intended recipients of health services,

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other purchase major medical equipment,

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds,

"(5) pay administrative costs, or

"(6) provide financial assistance to any entity other than a public or nonprofit private entity.

"(b) The provisions of part B which are not inconsistent with subsection (a) or section 1936 shall apply with respect to allotments made under section 1936.".

Page 255, strike out line 1 and all that follows through line 9 on page 259 and insert in lieu thereof the following:

PART B—STUDY

SEC. 905. COVERAGE STUDY.

44. An amendment offered by Representative Bilirakis of Florida.

AMENDMENT TO COMMITTEE PRINT OF OMNIBUS DRUG BILL OFFERED BY MR. BILIRAKIS OF FLORIDA

Page 260, strike out line 1 and all that follows through line 19 on page 266 and redesignate part D as part C and section 920 as section 910.

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